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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) JP920000184US1/3340P
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>March 28, 2006</u></p> <p>Signature </p> <p>Typed or printed name <u>Erin C. Ming</u></p>		<p>Application Number 09/938,221</p> <p>Filed August 23, 2001</p> <p>First Named Inventor Seiichi KAWANO</p> <p>Art Unit 2821</p> <p>Examiner Jimmy T. VU</p>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).</p> <p>Note: No more than five (5) pages may be provided.</p>		
<p>I am the:</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record: <u>47,797</u> Registration number <u>      </u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: <u>      </u></p>		 <p>Signature <u>Erin C. Ming</u></p> <p>Typed or printed name</p> <p><u>      </u></p> <p><u>(650) 493-4540</u></p> <p>Telephone number</p> <p><u>March 28, 2006</u></p> <p>Date</p>
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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Eon Ming

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: March 28, 2006

Seiichi KAWANO

Confirmation No. 1698

Serial No: 09/938,221

Group Art Unit: 2821

Filed: August 23, 2001

Examiner: Jimmy T. VU

For: BRIGHTNESS CONTROLLING APPARATUS, BRIGHTNESS ADJUSTING SYSTEM, COMPUTER SYSTEM, LIQUID CRYSTAL DISPLAY UNIT, BRIGHTNESS CONTROLLING METHOD, COMPUTER SOFTWARE, AND STORAGE MEDIUM

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF

Dear Sir or Madam:

In the present application, claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,760,760 to Helms. Applicant respectfully submits that the rejection is improper since Helms clearly fails to disclose the elements recited in claim 1 and as such, a prima facie case of anticipation has not been established.

Claim 1 recites “an evaluator for detecting a feature of a certain window displayed on a screen of a display unit.” Element 14 in Helms has been cited as disclosing the “evaluator” recited in claim 1.

Helms, however, only states that the “photodetector or light sensor 14 . . . [is] for detecting a level of ambient light directed toward the front of the LCD 12 and for generating signals indicative of same” (col. 3, lns. 17-21) (emphasis added). Thus, element 14 in Helms is not “for detecting a feature of a certain window displayed on a screen of a display unit,” and as such, cannot be construed as disclosing the “evaluator” recited in claim 1 (emphasis added).

Further, as clearly shown in Figures 1 and 4 of Helms, photodetector/light sensor 14 cannot possibly detect anything displayed on a screen since it is illustrated as being above LCD 12 and pointing away from the front of LCD 12, not towards it. Therefore, element 14 cannot be “an evaluator for detecting a feature of a certain window displayed on a screen of a display unit,” as recited in claim 1.

Moreover, the goal of Helms is to “automatically [adjust] the brightness level of an LCD based on the ambient lighting conditions of the environment in which the LCD is being operated” (col. 2, lns. 6-9) (emphasis added). Whereas, claim 1 recites “a display controller for controlling the brightness of said screen of said display unit according to said feature of said window, detected by said evaluator” (emphasis added). Hence, while Helms is directed towards adjusting screen brightness based on lighting conditions external to the screen, claim 1 is directed towards adjusting screen brightness based on what is displayed on the screen.

Accordingly, applicant respectfully submits that Helms clearly fails to disclose the elements recited in claim 1 and as such, the rejection is improper since a prima facie case of anticipation has not been established.

**CONCLUSION**

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested.

Respectfully submitted,  
SAWYER LAW GROUP LLP



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Dated: March 28, 2006